EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0282-EAQ-E TCEQ ID: RN105116149 CASE NO.: 32860 RESPONDENT NAME: Georgetown Independent School District

ORDER TYPE:				
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING		
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER		
AMENDED ORDER	EMERGENCY ORDER			
CASE TYPE:				
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE		
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION		
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL		
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	X EDWARDS AQUIFER		
SITE WHERE VIOLATION(S) OCCURRED: Georgetown ISD Support Services, 400 County Road 104, Georgetown, Williamson County TYPE OF OPERATION: School bus transportation terminal SMALL BUSINESS:YesXNo OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on July 30, 2007. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Joe Dan Lee, Superintendent, Georgetown Independent School District, 603 Lakeway Drive, Georgetown, Texas 78628 Mr. David Biesheuvel, Director of Construction & Facilities, Georgetown Independent School District, 603 Lakeway Drive, Georgetown, Texas 78628 Respondent's Attorney: Not represented by counsel on this enforcement matter				

DOCKET NO.: 2007-0282-EAQ-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS LANGERS CONTRACTOR SERVICE AND A TAKEN/REQUIRED Dogs Type of Investigation: Total Assessed: \$24,000 Corrective Actions Taken: Complaint X Routine Total Deferred: \$4,800 1) The Executive Director recognizes that Enforcement Follow-up on February 2, 2007, Georgetown ISD X Expedited Settlement Records Review submitted the Edwards Aquifer Protection __Financial Inability to Pay Plan ("EAPP"). Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 **Ordering Provisions:** Date of Investigation Relating to this Total Paid to General Revenue: \$19,200 2) The Order will require the Respondent Case: January 9, 2007 **Site Compliance History Classification** Date of NOE Relating to this Case: High ___ Average Poor a. Respond completely and adequately as February 15, 2007 (NOE) determined by the TCEO, to all requests **Person Compliance History Classification** for information concerning the EAPP Background Facts: This was a routine __ High _X_ Average ___ Poor within 30 days after the date of such investigation. One violation was request or by any other deadline specified documented. Major Source: ___ Yes _X No in writing; WATER Applicable Penalty Policy: September 2002 b. Within 60 days after the effective date of this Agreed Order, obtain approval of Failure to obtain approval of an Edwards the EAPP from the TCEQ Austin Regional Aquifer Protection Plan ("EAPP") prior to Office; and beginning a regulated activity over the Edwards Transition Zone, as documented c. Within 90 days after the effective date of during an investigation conducted on this Agreed Order, submit written January 9, 2007. Specifically, the certification of compliance with Ordering Respondent installed a 14,000 gallon Provisions a. and b. underground storage tank without authorization [30 Tex. ADMIN. CODE § 213.4(a)(1).].

Penalty Calculation Worksheet (PCW) PCW Revision January 9, 2007 Assigned 20-Feb-2007 PCW 26-Feb-2007 Screening 26-Feb-2007 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Georgetown Independent School District Reg. Ent. Ref. No. RN105116149 Facility/Site Region 11-Austin Major/Minor Source Minor CASE INFORMATION No. of Violations 1 Enf./Case ID No. 32860 Docket No. 2007-0282-EAQ-E Order Type 1660 Enf. Coordinator Ruben Soto Media Program(s) Edwards Aquifer EC's Team EnforcementTeam 1 Multi-Media Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$24,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Subtotals 2, 3, & 7 \$0 Compliance History No enhancement due to Average Performer classification. Notes \$0 0% iEnhancement Subtotal 4 Culpability No Notes The Respondent does not meet the culpability criteria. 0% Reduction Subtotal 5 \$0 Good Faith Effort to Comply Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinar N/A (mark with x) The Respondent does not meet the good faith criteria. Notes \$0 0% Enhancement* Subtotal 6

	otal EB Amounts \$145 st of Compliance \$4,000	*Capped at the Total	EB \$ Amount		
SUM OF SUBTOTALS	1-7			Final Subtotal	\$24,000
OTHER FACTORS AS	JUSTICE MAY REQUI	RE		Adjustment	\$(
Reduces or enhances the Final Subt	otal by the indicated percentage. (Enter number only; e.g30 fo	r-30%.)		
<u>: ×</u>			Final Pe	enalty Amount	\$24,00
STATUTORY LIMIT AD	JUSTMENT		Final Ass	essed Penalty	\$24,00
DEFERRAL Reduces the Final Assessed Penalt	y by the indicted percentage. (Ente	CALANDA AND AND AND AND AND AND AND AND AND	20% Reduction 8 reduction.)	Adjustment	-\$4,80
Notes	Deferral offer	ed for expedited settlem	ent		
PAYABLE PENALTY					\$19,20
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Screening Date 26-Feb-2007

Docket No. 2007-0282-EAQ-E

Policy Revision 2 (September 2002)
PCW Revision January 9, 2007

Respondent Georgetown Independent School District

Case ID No. 32860

Reg. Ent. Reference No. RN105116149

Media [Statute] Edwards Aquifer
Enf. Coordinator Ruben Soto

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enler Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	. ' 0′	0%
Emissions	Chronic excessive emissions events (number of events)	. 0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	S f 0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	e 0	0%
	Ple	ase Enter Yes or No	,
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	a No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	nt No	0%
it Violator (\$	Adjustment a	Percentage (S	ubtotal 2
Latination and a constant		Percentage (S	ubtotal 3
llance Histo	ry Person Classification (Subtotal 7)		
Average	Performer Adjustment	Percentage (S	ubtotal i
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Screening Date 2	6-Feb-2007	Docket N	lo. 2007-0282-EAQ-E	PCV	N
	Seorgetown Independent	School District		Policy Revision 2 (September 20	002)
Case ID No. 3				PCW Revision January 9, 2	2007
Reg. Ent. Reference No. R					
Media [Statute]					
Enf. Coordinator R Violation Number	Ruben Soto				
Rule Cite(s)		30 Tex. Admin. Code § 2	213.4(a)(1).		ar a
Violation Description	peginning a regulated ac an investigation conduct	tivity over the Edwards Tr ed on January 9, 2007.	r Protection Plan ("EAPP") p ansition Zone, as documente Specifically, the Respondent ank without authorization	ed during	
			Base	Penalty \$10	,000
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22 Environmental, Froperty at	Harm				
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OR Actual Potential		X	Percent 5%		
. Oto			<u> </u>		
>>Programmatic Matrix					
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[[1:00]			1 Groent 070		
Matrix Human health Notes		ive of human health as a	of pollutants which would no result of the violation.	rexceed	
			Adjustment	\$9,500	
					Φ.Ε.Ο.Ο
					\$500
Violation Events					
	A				
Number of Vio	lation Events 48	48	Number of violation day	/\$	
	dally	<u> </u>			
	monthly			۷.	
mark only one	quarterly		Violation Bas	e Penalty \$24	4,000
with an x	semiannual annual				
	single event x				
Forty-eight s	Ingle events are recomn	nended based on the inve	estigation date (January 9, 20	007) to the	
	date c	of screening (February 26,	, 2007).		
Economic Benefit (EB) for th	is violation		Statutory Limit Te	st	
	2	\$145	Violation Final Per	·	24,000
Estimated	d EB Amount			***************************************	
		This violation Final A	ssessed Penalty (adjusted	for limits) \$2	24,000

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		lependent School I	District			111	
Case ID No.							
Reg. Ent. Reference No.							
	Edwards Aquife	er				Percent Interest	Years of
Violation No.	1	ari in arawanan kalandah da Mi					Depréciation
and the second state of the second						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or S						
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Delayed Costs		* 1		1			
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Other (as needed)		2000 2000 EVEN STATE		0.0	\$0	\$0	\$0
Engineering/construction	300000000000000000000000000000000000000	\$15 apr. 1000 000 000		0.0	\$0	\$0	\$0
Land	28147.0024.3009.7	100 Self (100 Self 200 Self 2	45.200.000 0000	0.0	\$0	n/a	\$0
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Compliance History

Customer/Respondent/Owner-Operator:

CN600916712

Georgetown Independent

Classification: AVERAGE BY DEFAULT

Rating: 3.01

School District

Regulated Entity:

RN105116149

GEORGETOWN ISD SUPPORT SERVICES Classification:

Site Rating:

ID Number(s):

EDWARDS AQUIFER

REGISTRATION

11-07020201

Location:

400 COUNTY ROAD 104, GEORGETOWN,

WILLIAMSON COUNTY, TEXAS

TCEQ Region:

REGION 11 - AUSTIN

Date Compliance History Prepared:

February 26, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

February 26, 2002 to February 26, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Ruben Soto

Phone: 512 239-4571

Site Compliance History Components

Has the site been in existence and/or operation for the full five year compliance period?
 Has there been a (known) change in ownership of the site during the compliance period?

No No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

 N/A
- B. Any criminal convictions of the state of Texas and the federal government. N/A
- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 12/01/2006

(531957)

2 02/14/2007

(536482)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) N/A
- F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
GEORGETOWN INDEPENDENT	§	
SCHOOL DISTRICT	§	
RN105116149	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0282-EAQ-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Georgetown Independent School District ("Georgetown ISD") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Georgetown ISD appear before the Commission and together stipulate that:

- 1. Georgetown ISD owns and operates a school bus transportation terminal at 400 County Road 104 in Georgetown, Williamson County, Texas (the "Site").
- 2. Georgetown ISD has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under Tex. WATER CODE ch. 26.
- 3. The Commission and Georgetown ISD agree that the Commission has jurisdiction to enter this Agreed Order, and that Georgetown ISD is subject to the Commission's jurisdiction.
- 4. Georgetown ISD received notice of the violations alleged in Section II ("Allegations") on or about February 20, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Georgetown ISD of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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Georgetown Independent School District Docket No. 2007-0282-EAQ-E Page 2

- 6. An administrative penalty in the amount of Twenty-Four Thousand Dollars (\$24,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Georgetown ISD has paid Nineteen Thousand Two Hundred Dollars (\$19,200) of the administrative penalty and Four Thousand Eight Hundred Dollars (\$4,800) is deferred contingent upon Georgetown ISD's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Georgetown ISD fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Georgetown ISD to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Georgetown ISD have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that on February 2, 2007, Georgetown ISD submitted the Edwards Aquifer Protection Plan ("EAPP").
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Georgetown ISD has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, Georgetown ISD is alleged to have failed to obtain approval of an EAPP prior to beginning a regulated activity over the Edwards Transition Zone, in violation of 30 Tex. ADMIN. CODE § 213.4(a)(1), as documented during an investigation conducted on January 9, 2007. Specifically, Georgetown ISD installed a 14,000 gallon underground storage tank without authorization.

III. DENIALS

Georgetown ISD generally denies each allegation in Section II ("Allegations").

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Georgetown ISD pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Georgetown ISD's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Georgetown Independent School District, Docket No. 2007-0282-EAQ-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Georgetown ISD shall undertake the following technical requirements:
 - a. Respond completely and adequately as determined by the TCEQ, to all requests for information concerning the EAPP within 30 days after the date of such request or by any other deadline specified in writing;
 - b. Within 60 days after the effective date of this Agreed Order, obtain approval of the EAPP from the TCEQ Austin Regional Office; and
 - c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.a. and 2.b. The certification shall, include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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Georgetown Independent School District Docket No. 2007-0282-EAQ-E Page 4

> Manager, Water Section Austin Regional Office Texas Commission on Environmental Quality 2800 South IH 35, Suite 100 Austin, Texas 78704

- 3. The provisions of this Agreed Order shall apply to and be binding upon Georgetown ISD. Georgetown ISD is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
- 4. If Georgetown ISD fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Georgetown ISD's failure to comply is not a violation of this Agreed Order. Georgetown ISD shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Georgetown ISD shall notify the Executive Director within seven days after Georgetown ISD becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Georgetown ISD shall be made in writing to the Executive Director. Extensions are not effective until Georgetown ISD receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Georgetown ISD in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Georgetown ISD, or three days after the date on which the Commission mails notice of the Order to Georgetown ISD, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

For the Commission	
For the Executive Director	B/27-107 Date
attached Agreed Order on behalf of the	stand the attached Agreed Order. I am authorized to agree to the entity, if any, indicated below my signature, and I do agree to the I further acknowledge that the TCEQ, in accepting payment for 3 on such representation.
 failure to timely pay the penalty amount A negative impact on my comple Greater scrutiny of any permit at Referral of this case to the Attorney fees, or Increased penalties in any future Automatic referral to the Attorney and TCEQ seeking other relief as automatic relief as automati	iance history; pplications submitted by me; princy General's Office for contempt, injunctive relief, additional or to a collection agency; e enforcement actions against me; ey General's Office of any future enforcement actions against me;
Signature Signature	
TOE DAN LEE Name (Printed or typed) Authorized Representative of Georgetown Independent School District	SUPERINTENSENT, GISS Title
Instructions: Send the original, signed Agreed	Order with penalty payment to the Financial Administration Division, Revenues

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